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PATENT

Attorney Docket No. 125.003USR1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James Leroy Snell

Serial No.: 10/005,483
Filed: November 9, 2001
For: HIGH DATA RATE SPREAD
SPECTRUM TRANSCEIVER AND
ASSOCIATED METHODS

Group Art Unit: 2631

Examiner: Not Assigned

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130.00 OP

Commissioner for Patents
BOX PATENT PETITIONS
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. § 1.47(b) TO FILE APPLICATION WITHOUT
INVENTOR'S SIGNATURE**

Pursuant to 37 C.F.R. § 1.47(b), petitioner Intersil Americas Inc. ("Intersil"), respectfully seeks permission to file the above-identified reissue application without the signature of the inventor, James Leroy Snell. James Leroy Snell has refused to execute the reissue application. The last known address for James Leroy Snell is as follows:

Residence/Post Office Address: **James Leroy Snell**
2695 Lemon Street NE
Palm Bay, FL 32905
Citizenship: US

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Snell is the sole inventor of U.S. Patent No. 5,982,807, issued November 9, 1999 for "High Data Rate Spread Spectrum Transceiver and Associated Methods" (the "'807 patent").

As set forth in the Declaration of Elizabeth A. Bauer, submitted herewith, *bona fide* attempts and diligent efforts have been made to present the reissue application and corresponding inventor's declaration to James Leroy Snell for signature in accordance with MPEP 409.03(b) and 37 C.F.R. §1.47(b). As indicated in paragraph 3 of the Declaration of Elizabeth A. Bauer,

PETITION 1.47(a) TO FILE REISSUE APPLICATION WITHOUT INVENTOR'S SIGNATURE

Serial No. 10/005,483

Filed: November 9, 2002

Title: HIGH DATA RATE SPREAD SPECTRUM TRANSCEIVER AND ASSOCIATED METHODS

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James Leroy Snell has refused to execute the reissue application and corresponding inventor's declaration.

The declaration of Paul A. Bernkopf, submitted herewith, shows that the petitioner Intersil, is the assignee of the '807 patent. Intersil filed a reissue application on the '807 patent without the inventor's signature on November 9, 2001, serial number 10/005,483, to broaden the scope of the claims of the '807 patent. Respectfully, Intersil has sufficient proprietary right to act as agent for the inventor in this application.

A combined declaration and power of attorney signed on behalf of Intersil by Paul A. Bernkopf, Chief Intellectual Property Counsel and Corporate Vice President is submitted herewith.

Filing of this reissue application is necessary to preserve the rights of the parties hereto. Irreparable harm will result to Intersil if the petition is not granted as shown by the Declaration of Paul A. Bernkopf.

A check in the amount of \$130, for the petition fee, as set forth under 37 C.F.R. 1.17(h) is also included herewith. However, if any additional fees or credits are deemed necessary, please charge or credit Deposit Account No. 501373.

Based on the foregoing, it is respectfully submitted that the petitioner has demonstrated sufficient proprietary interest to make the reissue application on behalf of and as agent for the inventor James Leroy Snell who has refused to sign the inventor declaration. Petitioner respectfully requests that the petition Under 37 CFR §1.47(b) be granted.

Respectfully submitted,

Date: June 28, 2002

Mark D. Kelly

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